

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION

RUSSELL GREGORY, III, in his capacity as)
Guardian of ASHLEY KEIKO GREGORY, a)
Minor, the surviving heir of MARY L. FISHER,))
deceased,)

Plaintiff,)

v.)

METROPOLITAN LIFE INSURANCE)
COMPANY,)

Defendant.)

Civil Action No. 2:10-cv-002335

**JOINT MOTION TO STAY AND/OR HOLD CASE IN ABEYANCE
AND MEMORANDUM IN SUPPORT**

Come now the parties, Plaintiff Russell Gregory, III, in his representative capacity, and Defendant Metropolitan Life Insurance Company (“MetLife”), and jointly move the Court, pursuant to Rules 6 and 16 of the Federal Rules of Civil Procedure, for the entry of an order staying the pending action and/or holding it in abeyance for a period of 120 days from the date of entry of such order to allow time for counsel for the parties to exchange information and discuss the further progression of this case. In support of this motion, the parties state as follows:

1. This case involves a claim under the Federal Employees Group Life Insurance Act (FEGIA) for additional death benefits that Plaintiff alleges is due under the group life insurance policy issued by MetLife pursuant to FEGIA. MetLife asserts that it has paid all death benefits due to Plaintiff and denies that Plaintiff is entitled to any additional benefits.

2. The issue presented in this case is related to certain issues presented and the discovery previously taken in the consolidated cases styled *Russell Gregory, III, v. City of Memphis, et al.*, No. 07-2445, also pending before the Honorable Samuel H. Mays, Jr.

3. After having been contacted by the Court regarding the status of this action in light of the related cases, counsel for the parties discussed proceeding with an informal exchange of information and discovery from the related cases that may be of assistance in addressing the issue presented in the instant action.

4. The parties submit that it would be more cost-effective and efficient and would serve the interests of judicial economy to undertake a review of the discovery already completed in the related cases for purposes of evaluating the issue in the instant case.

5. Due to the extent and volume of discovery taken in the related cases (consisting of over 45 depositions with numerous exhibits and expert reports), the parties will require a reasonable period of time for plaintiff to provide and defendant to review and evaluate the information relevant to this case. Counsel for the parties estimate that 120 days will be needed for this purpose.

6. Pursuant to Rules 6 and 16 of the Federal Rules of Civil Procedure, the parties respectfully submit that good cause exists for the requested relief herein.

7. The Filing User represents that all signatories hereto agree to the filing of this document.

WHEREFORE, the parties respectfully move the Court for the entry of an Order staying this action and/or holding it in abeyance for a period of 120 days from the date of entry of such Order.

Respectfully submitted,

/s/ Kathleen L. Caldwell

Kathleen L. Caldwell (TN BPR # 9916)

2670 Union Avenue Ext., Suite 110

Memphis, TN 38112

Telephone: (901) 458-4035

Email: kathleencaldwell.attorney@gmail.com

Attorneys for Plaintiff

/s/ Patricia Head Moskal, with permission

Patricia Head Moskal (TN BPR # 11621)

BRADLEY ARANT BOULT CUMMINGS LLP

1600 Division Street, Suite 700

P.O. Box 340025

Nashville, TN 37203

Telephone: (615) 252-2369

Email: pmoskal@babco.com

Attorneys for Defendant